

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Shah Construction Company, Inc.) ASBCA No. 50411
)
Under Contract No. DACA21-94-C-0033)

APPEARANCE FOR THE APPELLANT: Leonard W. Childs, Esq.
Childs & Lewis
Savannah, GA

APPEARANCES FOR THE GOVERNMENT: Frank Carr, Esq.
Engineer Chief Trial Attorney
Susan K. Weston, Esq.
Engineer Trial Attorney
U.S. Army Engineer District,
Savannah

OPINION BY ADMINISTRATIVE JUDGE DICUS
ON RESPONDENT'S MOTION FOR RECONSIDERATION
OF RESPONDENT'S MOTIONS TO DISMISS
AND FOR SUMMARY JUDGMENT

Respondent has moved for reconsideration of the Board's decision of 19 June 2000 in which we denied respondent's motions. Appellant opposes the motion.

We have carefully considered the parties' submissions, including respondent's 22 August 2000 letter, and deny the motion. While respondent takes strong exception to the Board's decision, respondent's motion is not based upon any newly discovered evidence or legal theories which the Board failed to consider in formulating its original decision.

Accordingly, after consideration of respondent's motion we affirm our decision.

Dated: 30 August 2000

CARROLL C. DICUS, JR.
Administrative Judge
Armed Services Board
of Contract Appeals

I concur

I concur

MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

EUNICE W. THOMAS
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA No. 50411, Appeal of Shah Construction Company, Inc., rendered in conformance with the Board's Charter.

Dated:

EDWARD S. ADAMKEWICZ
Recorder, Armed Services
Board of Contract Appeals